REMARKS

Claims 1- 49 are pending. Claims 1, 8, 10, 11, 14, 16, 19, 20, 22, 24, 27, 28, 31-33, 36, 39, 41, 43, and 46-49 have been amended. No new matter has been added.

A.   THE REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 3-4, 8-12, 16-20, 22-23, 27-29, 33-37, and 41-49 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,014,565 to Bonta ("Bonta"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

(i) Independent Claims 1, 11, 20, 28 and 41

Claims 1, 11, 20, 28 and 41 include the features of: (a) measuring real-time traffic flow criteria associated with one or more base stations; and (b) setting a number of base stations that can be considered hand-off base stations, from a neighbor list of potential hand-off base stations, depending on the measured traffic flow criteria. No corresponding features are disclosed in Bonta.

Briefly, Bonta appears to be directed to a radiotelephone service method for generating a handover neighbor list for managing mobile communications units served by base transceiver stations (BTS) based on the use of a *simulation* apparatus. (See Bonta, col. 3, lines 62-65). A software *simulation* tool provides the necessary functionality to move a mobile communication unit along vectors, manage the life cycle of a call and *model* the mobile communication signal. (See Bonta, col. 4, lines 61 through col. 5, line 7). However, the *modelling* of mobile communication signals is different from measuring *real-time* traffic flow criteria as set forth in

Applicants' claims (*see* paragraph [0016] of the present specification for an example of a real-time measurement).

Further, the Examiner appears to contend that the simulations in Bonta, which may be repeated under various historical or possible *load* conditions in order to further prune or enhance the handover neighbor list, corresponds to the real-time measurement feature of claims 1, 11, 20, 28 and 41. However, Bonta's repeated simulations appear to be based on various load conditions that have previously been measured, or are hypothetical, to allow the simulations to be repeated. Thus, while the simulations may be repeated they never appear to be based on real-time traffic flow criteria.

Claims 1, 11, 20, 28 and 41 also include the feature of setting the number of base stations that can be considered hand-off base stations, from a neighbor list of potential hand-off base stations, depending on measured traffic flow criteria. No corresponding feature is disclosed or described by Bonta.

Rather, Bonta appears to disclose the generation of a handover neighbor list based on corresponding signal quality metrics. (See Bonta, Abstract). Bonta describes the signal quality metrics as including a signal strength indicator (SSI), a S/N ratio, a frame erasure rate (FER), a bit error rate (BER), or bit energy per noise density (Eb/No), which are indicative of signal interference. (See Bonta, col. 5, lines 37-42. In sum, Bonta's signal quality metrics are not the same as, or the equivalent of, "traffic flow criteria."

(ii)   Independent Claims 16, 33 and 43

Claims 16, 33 and 34 include the feature of measuring, in real-time, traffic flow criteria related to a wireless network.

As set forth above with respect to claims 1, 11, 20, 28 and 41, Bonta's repetition of *simulations* under various *load* conditions is not the same as the claimed measurement of real-time traffic flow criteria associated with one or more base stations.

(iii)   Independent Claims 17, 19, 34, 36, 44 and 46

Claims 17, 19, 34, 36, 44 and 46 include the feature of enabling <u>a base station</u> currently serving a call for a wireless device to hand-off a call to another base station on its neighboring base station list only when a real-time measurement of a traffic flow criteria meets an acceptable level (claims 17, 34 and 44) or when such criteria indicates a second base station can serve the call (claims 19, 36 and 46). No corresponding features are disclosed by Bonta.

In Bonta, a software *simulation* tool provides the necessary functionality to move a mobile communication unit along vectors, *manage* the life cycle of a *call* and *model* a mobile communication signal. (See Bonta, col. 4, lines 61 through col. 5, line 7). Thus, in Bonta there is no base station currently serving a call. Instead, simulations are used to manage the life cycle of a call.

Furthermore, in Bonta, upon completion of all simulation runs, neighboring base transceiver stations (BTSs) associated with counters (which were first to be incremented by one, starting from the beginning of each simulation) are selected as the handover neighbor lists

regardless of whether or not a real-time measurement of a traffic flow criteria meets an acceptable level or whether such stations can serve a call.

As a further observation, the handover neighbor lists in Bonta appear to be used by mobile communication units (See Bonta, col. 9, lines 17-21, lines 52-56 and col. 10, lines 5-9) instead of base stations.

Accordingly, because each and every feature of claims 1, 11, 16, 17, 19, 20, 28, 33, 34, 36, 37, 41, 43, 44 and 46, are not disclosed by Bonta it cannot anticipate these claims under 35 U.S.C. §102(b). Applicants respectfully request withdrawal of the Section 102(b) rejections and allowance of claims 1, 11, 16, 17, 19, 20, 28, 33, 34, 36, 37, 41, 43, 44 and 46.

(vi) **Dependent Claims 2-13, 16 and 18-20**

Applicants submit that claims 3-4, 8-10, 12, 18, 22-23, 27, 29, 35, 42, 45 and 47-49 are allowable at least because they each depend direct or indirectly from one of independent claims 1, 11, 17, 20, 28, 34, 41, 44 and 37 which have been shown to be allowable over Bonta. Accordingly, withdrawal of the Section 102(b) rejections and allowance of claims 3-4, 8-10, 12, 18, 22-23, 27, 29, 35, 42, 45 and 47-49 is respectfully requested.

B. **THE REJECTIONS UNDER 35 U.S.C. § 103**

Claims 2, 5-7, 13-15, 21, 24-26, 30-32 and 38-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonta in view of Celedon et al., U.S. Pub. Pat. Appl. No. 2003/0190916 ("Celedon").   Applicants submit that claims 2, 5-7, 13-15, 21, 24-26, 30-32 and 38-40 are allowable at least because they each depend directly or indirectly from one of

independent claims 1, 11, 20, 28, and 37 which have been shown to be allowable over Bonta. Furthermore, Celedon does not cure the deficiencies of Bonta.

Applicants therefore request withdrawal of the rejections and allowance of claims 2, 5-7, 13-15, 21, 24-26, 30-32 and 38-40.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections have been addressed and overcome, leaving the present application in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 50-3777, including, in particular, extension of time fees.

Respectfully submitted,

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